

Magistrate Judge S. Kate Vaughan

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,

CASE NO. MJ23-247
COMPLAINT

v.

GERMAN HEREDIA-FELIX, and
FERNANDO MERCADO-CASTRO
Defendants.

BEFORE the Honorable S. Kate Vaughan, United States Magistrate Judge,
Seattle, Washington.

The undersigned Affiant being duly sworn states:

COUNT 1

(Conspiracy to Distribute Controlled Substances)

Beginning at a time unknown, and continuing until at least May 11, 2023, in King, Snohomish, and Skagit Counties, within the Western District of Washington, and elsewhere, GERMAN HEREDIA-FELIX and FERNANDO MERCADO-CASTRO and others known and unknown, did knowingly and intentionally conspire to distribute controlled substances, including: methamphetamine, N-phenyl-N-[1-(2-phenylethyl)-4-

1 piperidiny] propanamide (fentanyl)], heroin, and cocaine, substances controlled under
2 Title 21, United States Code.

3 The Affiant further alleges that their conduct as members of the conspiracy
4 charged in Count 1, which includes the reasonably foreseeable conduct of other members
5 of the conspiracy charged in Count 1, involved 50 grams or more of methamphetamine,
6 its salts, isomers, or salts of its isomers, 500 grams or more of a mixture or substance
7 containing a detectable amount of methamphetamine, and 400 grams or more of a
8 mixture and substance containing a detectable amount of fentanyl in violation of Title 21,
9 United States Code, Sections 841(b)(1)(A).
10

11 All in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A),
12 841(b)(1)(C), and 846.

13 **COUNT 2**

14 **(Possession of Controlled Substances with Intent to Distribute)**

15 On or about May 11, 2023, in Snohomish County, within the Western District of
16 Washington, GERMAN HEREDIA-FELIX and FERNANDO MERCADO-CASTRO did
17 knowingly and intentionally possess, with the intent to distribute, and aid and abet the
18 possession of, with the intent to distribute, controlled substances, including:
19 methamphetamine, N-phenyl-N-[1-(2-phenylethyl)-4-piperidiny] propanamide
20 (fentanyl)], heroin, and cocaine, all substances controlled under Title 21, United States
21 Code.
22

23 The Affiant further alleges that this offense involved 50 grams or more of
24 methamphetamine, its salts, isomers, or salts of its isomers, 500 grams or more of a
25 mixture or substance containing a detectable amount of methamphetamine, and 400
26 grams or more of a mixture and substance containing a detectable amount of fentanyl.

27 All in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A)
28 and (C), and Title 18, United States Code, Section 2.

COUNT 3**(Unlawful Possession of a Firearm)**

On or about May 11, 2023, in Snohomish County, within the Western District of Washington, GERMAN HEREDIA-FELIX, knowing he had been convicted of the following crime punishable by a term of imprisonment exceeding one year: *Possession of Heroin with the Intent to Distribute*, in United States District Court for the Western District of Washington, under case number CR12-376RAJ, on or about June 14, 2013, did knowingly possess, in and affecting interstate and foreign commerce, the following firearms, to wit: (1) a Walther P22 .22 caliber pistol, (2) a Browning Buck Mark .22 caliber pistol, (3) a Norinco Model 54 7.62mm caliber pistol, and (4) a Springfield Armory Elite Operator .40 caliber pistol, all of which had been shipped and transported in interstate and foreign commerce.

All in violation of Title 18, United States Code, Section 922(g)(1).

COUNT 4**(Possession of a Firearm in Furtherance of a Drug Trafficking Crime)**

On or about May 11, 2023, in Snohomish County, within the Western District of Washington, GERMAN HEREDIA-FELIX knowingly possessed firearms, to wit: (1) a Walther P22 .22 caliber pistol, (2) a Browning Buck Mark .22 caliber pistol, (3) a Norinco Model 54 7.62mm caliber pistol, (4) a gold Colt .45 caliber pistol, and (5) a Springfield Armory Elite Operator .40 caliber pistol in furtherance of a drug trafficking crime for which the defendant may be prosecuted in a court of the United States: *Possession of Controlled Substances with Intent to Distribute*, as alleged in Count 2 above.

All in violation of Title 18, United States Code, Section 924(c)(1)(A)(i).

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1 I, Jared Gibb, being first duly sworn on oath, depose and say:

2 **INTRODUCTION**

3 1. This Affidavit is submitted in support of this Complaint charging
4 GERMAN HEREDIA-FELIX and FERNANDO MERCADO CASTRO with the
5 following drug-trafficking crimes:

6 a. Conspiracy to Distribute Controlled Substances, in violation of Title
7 21, United States Code, Sections 841(a)(1), 841(b)(1)(A), 841(b)(1)(C), and 846; and

8 b. Possession of Controlled Substances with the Intent to Distribute, in
9 violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A) and
10 841(b)(1)(C), and Title 18, United States Code, Section 2.

11 2. This Affidavit is also submitted in support of this Complaint charging
12 GERMAN HEREDIA-FELIX with the following firearm-related offenses:

13 a. Unlawful Possession of a Firearm, in violation of Title 18, United
14 States Code, Section 922(g)(1); and

15 b. Possession of a Firearm in Furtherance of a Drug Trafficking
16 Crime, in violation of Title 18, United States Code, Section 924(c)(1)(A)(i).

17 3. The facts set forth in this Affidavit arise from my personal and direct
18 participation in this investigation, my experience and training as a Special Agent of the
19 DEA, my conversations with witnesses and other law enforcement personnel
20 participating in this investigation, and my review of documents and reports. This
21 Affidavit does not include each and every fact known to me concerning this investigation.
22 Instead, I have set forth only the facts I believe are necessary for a fair determination of
23 probable cause for the offenses charged in this Complaint.¹

24 **AFFIANT BACKGROUND AND EXPERIENCE**

25 4. I am an “investigative or law enforcement officer of the United States”
26 within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of
27

28 ¹ All times and drug amounts discussed in this Complaint are approximate.

1 the United States who is empowered by law to conduct investigations of, and to make
2 arrests for, offenses enumerated in Title 18, United States Code, Section 2516.

3 5. I am a Special Agent with the Drug Enforcement Administration (DEA)
4 and have been so employed since February 2009. I am currently assigned to the DEA
5 Seattle Field Division, Tacoma Resident Office. I received 20 weeks of specialized drug
6 law enforcement training at the DEA training academy in Quantico, Virginia, which
7 included comprehensive instruction in, among other things: basic and complex drug-
8 trafficking investigations, identification of controlled substances, physical and electronic
9 surveillance, utilization of confidential sources, undercover operations, and
10 financial/money laundering investigations.

11 6. During my career as a Special Agent, I have been involved in hundreds of
12 drug trafficking investigations of varying scope and complexity. I was previously
13 assigned to DEA offices in Afghanistan and Colombia, where I worked with host-country
14 counterparts to conduct investigations of international drug trafficking organizations and
15 money laundering organizations. I am familiar with the methods used by individuals
16 engaged in the manufacturing, transportation, and trafficking of controlled substances. I
17 have directed the actions of confidential informants and I have acted in an undercover
18 capacity on numerous occasions. I have also spoken frequently with informants, suspects,
19 defendants and other experienced drug traffickers regarding the methods and practices
20 utilized by drug traffickers and drug trafficking organizations. I have monitored
21 informant conversations with drug traffickers, as well as drug-related conversations
22 between drug traffickers, as part of court-authorized interception of wire
23 communications. I have participated in the preparation of affidavits and the execution of
24 search and arrest warrants for violations of federal and state drug laws. Based on this
25 experience, I am familiar with the way illegal drugs are manufactured, transported,
26 stored, and distributed, as well as methods of operation and communication utilized by
27 drug traffickers.

28 //

SUMMARY OF PROBABLE CAUSE

7. Beginning in early 2022, investigators of the DEA, Homeland Security Investigations (HSI), the Federal Bureau of Investigation (FBI), and the Skagit County Interlocal Drug Enforcement Unit (SCIDEU) began investigating a drug trafficking organization (DTO) that was operating throughout western Washington, including Pierce, King, Snohomish, Skagit, and Whatcom counties.

8. On September 7, 2022, investigators utilized a SCIDEU Confidential Source (“CS1²”) to conduct a controlled purchase of suspected fentanyl pills from the DTO. At the direction of investigators, CS1 contacted a member of the DTO and requested to purchase drugs. The DTO member then put CS1 in contact with a distributor who would deliver the drugs. The distributor was using telephone number (425) 496-4648. CS1 contacted the distributor and was instructed to go to an apartment complex at 1707 Merrill Creek Parkway, Everett, Washington for the transaction.

9. SCIDEU detectives searched CS1 and CS1’s vehicle for contraband with none found. Detectives provided CS1 with official funds to purchase the drugs. Investigators maintained constant surveillance on CS1 as s/he drove to the 1707 Merrill Creek Parkway and parked in the parking lot. Shortly thereafter, investigators observed a male walk from the east toward the CS1’s vehicle holding a young child’s hand. *See* photograph below. Investigators later identified the male as GERMAN HEREDIA-FELIX, by comparison of surveillance photographs to a Washington Department of

² CS1 is a self-admitted drug user who provided information against his/her own penal interest. CS1 provided information in exchange for consideration on a pending criminal charge. CS1 acknowledged if his/her information proves false, any consideration on the pending criminal charge may be revoked, and he/she would face criminal charges. CS1 has provided reliable information in the past that has led to multiple arrests, the acquisition of evidence, search warrants, and convictions of suspects. CS1 has a criminal history consisting of at least seven felony and three non-felony convictions, including felony and non-felony crimes of dishonesty. CS1 was later arrested in October 2022 and March 2023, and charged with a series of felony and non-felony crimes, including crimes of dishonesty; those matters are still pending. CS1’s last involvement in the case was in November 2022. While working with CS1, s/he did not provide information to law enforcement that has been proven false.

1 Licensing photograph of GERMAN HEREDIA-FELIX. Investigators observed
2 GERMAN HEREDIA-FELIZ walk up to the passenger side of CS1's vehicle and enter.
3 A minute later, GERMAN HEREDIA-FELIX got out of CS1's vehicle, and he and the
4 young child walked east. Investigators followed them as they walked to an adjacent
5 apartment complex at 1401 Merrill Creek Parkway, Everett, where they entered the north
6 breezeway of Building 9.



10. Investigators maintained constant surveillance of CS1 after the transaction
and met CS1 at a predetermined location. CS1 provided a bag of blue pills (weighing
approximately 93.4 grams) which s/he purchased from GERMAN HEREDIA-FELIX.
The pills were stamped "M" and "30." Detectives searched CS1 and C1's vehicle for
additional contraband and found none. No field test was conducted on the pills from this
deal or the subsequent deals described in this affidavit due to safety concerns, but
investigators recognized them as being consistent in appearance, texture and markings
with counterfeit oxycodone pills seized in other investigations in the Western District of
Washington that were later found to contain fentanyl in laboratory analysis.

1 11. On October 6, 2022, investigators utilized CS1 to conduct another
2 controlled purchase of suspected fentanyl pills from the DTO. As in the previous
3 controlled purchase, CS1 contacted a member of the DTO and requested to purchase
4 drugs. The DTO member again put CS1 in contact with the distributor who was using
5 telephone number (425) 496-4648. The distributor directed CS1 to go to 1320 58th Street
6 SW, Everett, Washington for the transaction, which is an address located just northeast of
7 the apartment complex at 1401 Merrill Creek Parkway, Everett.

8 12. SCIDEU detectives searched CS1 and CS1's vehicle for contraband with
9 none found. Detectives provided CS1 with official funds to purchase the drugs.
10 Investigators maintained constant surveillance on CS1 as s/he drove to the 1320 58th
11 Street SW, Everett parked on the street. Investigators then observed GERMAN
12 HEREDIA-FELIX and a young child exit 1401 Merrill Creek Parkway, Apartment 9021,
13 and walk toward the location where CS1 was waiting. GERMAN HEREDIA-FELIX
14 entered the passenger side of CS1's vehicle and then exited less than five minutes later.
15 Surveillance units followed GERMAN HEREDIA-FELIX and the young child as they
16 returned to 1401 Merrill Creek Parkway and entered Apartment 9021.

17 13. Investigators maintained constant surveillance of CS1 after the transaction
18 and met CS1 at a predetermined location. CS1 provided a bag of blue pills (weighing
19 approximately 87.6 grams) which s/he purchased from GERMAN HEREDIA-FELIX.
20 The pills were again stamped "M" and "30." Detectives searched CS1 and C1's vehicle
21 for additional contraband and found none.

22 14. On February 17, 2023, investigators utilized another SCIDEU Confidential
23 Source ("CS2³") to conduct a controlled purchase of suspected fentanyl pills from the
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25 _____
26 ³ CS2 is providing information to SCIDEU Detectives in exchange for monetary compensation.
27 CS2 has provided reliable information to SCIDEU in the past that has led to search warrants and
28 arrests. CS2 has at least three prior felony convictions and six non-felony convictions, including
crimes of dishonesty. CS2 has not provided any information to law enforcement that has been
proven false.

1 DTO. At the direction of investigators, CS2 contacted a DTO member and requested to
2 purchase drugs. CS2 was instructed to go to the apartment complex at 1707 Merrill Creek
3 Parkway, Everett, for the transaction. SCIDEU detectives searched CS2 and CS2's
4 vehicle for contraband and found none. Detectives provided CS2 with official funds to
5 purchase the drugs. Investigators maintained constant surveillance on CS2 as s/he drove
6 to 1707 Merrill Creek Parkway and parked in the parking lot.

7 15. After CS2 arrived at the deal location, investigators observed a Hispanic
8 male wearing a construction vest enter the front door of 1401 Merrill Creek Parkway,
9 Apartment 9022. A few minutes later, investigators observed a Hispanic male wearing
10 dark clothing walk from the area of Apartment 9022 and exit the breezeway. A few
11 minutes later, investigators observed a similarly dressed male walk along a path toward
12 the neighboring apartment complex at 1707 Merrill Creek Parkway. The male walked up
13 to CS2's vehicle and entered. Less than five minutes later, the male exited CS2's vehicle
14 and walked away. Investigators followed the male as he walked back to 1401 Merrill
15 Creek Parkway and eventually entered the north breezeway of building 9. An investigator
16 followed the male into the breezeway and observed him standing, with keys in hand, in
17 front of the door to Apartment 9022. The investigator believed that the unknown male
18 saw him and therefore did not put the key into the door. The investigator then had to keep
19 walking past the unknown male and did not see him enter Apartment 9022.

20 16. Investigators maintained constant surveillance of CS2 after the transaction
21 and met CS2 at a predetermined location. CS2 provided a bag of blue pills stamped "M"
22 and "30" (weighing approximately 55.7 grams), as well as two small samples the
23 unknown male provided—one bag containing a crystal substance (suspected
24 methamphetamine, weighing approximately 29.0 grams) and another bag containing a
25 white powder (suspected fentanyl, weighing approximately 2.0 grams). Detectives
26 searched CS2 and C2's vehicle for additional contraband and none was found.
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1 17. In April 2023, SCIDEU Detectives instructed another SCIDEU
2 Confidential Source (“CS3⁴”) to contact (425) 496-4648 to attempt to set up a controlled
3 purchase of drugs. CS3 contacted (425) 496-4648 and asked about drug prices and
4 availability. The user of (425) 496-4648, believed to be used by GERMAN HEREDIA-
5 FELIX based on the previous controlled buys in September and October of 2022, replied
6 that they charge \$600 for 1000 fentanyl pills, \$1200 per pound for methamphetamine,
7 and \$600 per ounce of fentanyl powder. The user of (425) 496-4648 also said they have
8 cocaine and heroin for sale. CS3 arranged a potential drug transaction with the user of
9 (425) 496-4648 for the following week.

10 18. On May 4, 2023, investigators utilized CS3 to conduct a controlled
11 purchase of drugs from the user of (425) 496-4648. At the direction of investigators, CS3
12 contacted (425) 496-4648 and arranged to purchase a pound of methamphetamine. The
13 user of (425) 496-4648 directed CS3 to go to the apartment complex at 1707 Merrill
14 Creek Parkway, Everett, for the purchase. SCIDEU detectives searched CS3 and CS3’s
15 vehicle for contraband and found none. Detectives provided CS3 with official funds to
16 purchase the drugs. Investigators maintained constant surveillance on CS3 as s/he drove
17 to 1707 Merrill Creek Parkway and parked in the parking lot.

18 19. A few minutes later, investigators conducting surveillance at 1401 Merrill
19 Creek Parkway, Building 9, observed the door to garage 9-B open.⁵ A black Volkswagen
20 Tiguan with Washington license plate CFS1869 exited the garage and turned west on
21 Merrill Creek Parkway. The Tiguan, driven by a Hispanic male wearing a grey sweatshirt
22 and a hat, entered the apartment complex at 1707 Merrill Creek Parkway and parked next
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24 ⁴ CS3 is providing information to SCIDEU Detectives in exchange for monetary compensation.
25 CS3 has provided reliable information in the past that has led to arrests and convictions. CS3 has
26 at least 7 prior felony convictions and 18 non-felony convictions, including crimes of dishonesty.
27 CS3 also has a pending non-felony charge from August 2022. CS3 has not provided any
28 information to law enforcement that has been proven false.

⁵ Garage 9-B has a private stairwell that connects it to Apartment 9022.

1 to CS3. CS3 entered the passenger side of the Tiguan and then exited a few minutes later.
2 During that first meeting, at Detectives' direction, CS3 ordered a "boat" (1,000 fentanyl
3 pills).

4 20. Investigators followed the Tiguan back to 1401 Merrill Creek Parkway,
5 Building 9, where it entered garage 9-B. A short time later, surveillance units observed
6 garage 9-B open again. The Tiguan exited the garage, drove directly to 1707 Merrill
7 Creek Parkway and parked next to CS3. Investigators observed CS3 exit his/her vehicle,
8 walk up to the passenger side of the Tiguan, and interact with the driver. After a few
9 seconds, CS3 returned to his/her vehicle and the Tiguan departed. Investigators followed
10 the Tiguan, which returned to 1401 Merrill Creek Parkway and parked in garage 9-B.

11 21. Investigators maintained constant surveillance of CS3 after the transaction
12 and met CS3 at a predetermined location. CS3 provided one bag methamphetamine
13 (weighing 462.6 grams) and a bag of blue pills stamped "M" and "30" (weighing 110.6
14 grams), which s/he purchased from the driver of the Tiguan. Detectives searched CS3 and
15 C3's vehicle for additional contraband and found none. CS3 identified a photograph of
16 GERMAN HEREDIA-FELIX as the person who sold him/her the suspected fentanyl pills
17 and methamphetamine.

18 22. On May 10, 2023, the Honorable Judge Laura Riquelme of the Superior
19 Court for the State of Washington, Skagit County, authorized a search warrant for 1401
20 Merrill Creek Parkway, Apartment 9022, Everett.

21 23. On May 11, 2023, investigators executed the search warrant. Upon entering
22 apartment 9022, investigators located GERMAN HEREDIA-FELIX, FERNANDO
23 MERCADO-CASTRO, Elvia Gutierrez, Luis Rivas-Astorga, Jose Gutierrez-Gonzalez,
24 and a small child believed to be the one who accompanied GERMAN HEREDIA-FELIX
25 to the controlled buys in September and October of 2022.

26 24. During the search of the apartment, investigators located large amounts of
27 illegal drugs, U.S. currency, and firearms from the following locations:

28 //

MASTER BEDROOM CLOSET

- multiple clear plastic bags containing blue pills stamped "M" and "30", contained in a duffle bag, food boxes, and a shopping bag;
- a black rectangular package of suspected drugs wrapped in black tape and plastic wrap; multiple plastic bags containing multi-colored pills stamped "M" and "30", contained in a backpack;
- multiple plastic bags containing suspected methamphetamine, contained in a duffle bag on the floor;
- three pistols were located in the same duffle bag on top of the methamphetamine: (1) a Walther P22 .22 caliber pistol (partially loaded magazine, no round in chamber); (2) a Browning Buck Mark .22 caliber pistol (partially loaded magazine, no round in chamber); (3) a Norinco Model 54 7.62mm caliber pistol (partially loaded magazine, no round in chamber);
- A gold Colt .45 caliber pistol was located in a pistol box on the top shelf in the closet (not loaded);
- Several cardboard boxes containing bundled U.S. currency were located on the top shelf in the closet; and
- A plastic grocery bag with bundled and loose U.S. currency was located in a shopping bag on the floor of the closet.

HALL BATHROOM

- multiple clear plastic bags containing blue pills stamped "M" and "30" in the large cabinet and under the sink;
- clear plastic bags containing suspected heroin in the large cabinet;
- multiple plastic bags containing multi-colored pills stamped "M" and "30" in the large cabinet;
- multiple plastic bags containing white powder in the large cabinet;

- plastic bucket containing loose suspected methamphetamine in the large cabinet;
- multiple rectangular heat-sealed yellow packages, containing blue pills stamped "M" and "30" in the large cabinet;
- plastic bag containing suspected methamphetamine in cabinet under the sink; and
- black, heat-sealed rectangular package of suspected drugs labeled in cabinet under the sink.

See photograph of the drugs found in the bathroom' large cabinet below.



KITCHEN

- A box of loose U.S. currency in a cabinet;
- a Springfield Armory Elite Operator .40 caliber pistol, (loaded magazine, no round in chamber), ammunition and large capacity drum magazine located in cabinet next to near door;
- multiple kilogram size, opened plastic bags (suspected drug packaging) under the kitchen table;
- a false identification card with photograph of FERNANDO MERCADO-CASTRO and multiple false cards with photographs of GERMAN HEREDIA-FELIX.

25. The approximate total weights of drugs seized from the apartment were as follows: 50,740 grams of suspected fentanyl pills (no field test was conducted on the pills, but investigators recognized them as being consistent in appearance, texture and markings with counterfeit oxycodone pills seized in other investigations in the Western District of Washington that were later found to contain fentanyl in laboratory analysis); 10,000 grams of suspected methamphetamine (field test positive for methamphetamine); 2,800 grams of suspected cocaine (field test positive for cocaine); 600 grams of fentanyl powder (field test positive for fentanyl), and 340 grams of heroin (no field test conducted, but was consistent with the appearance of heroin in my training and experience). The amount of U.S. currency recovered from the apartment was approximately \$260,000.

26. An Interstate Nexus expert with the ATF has reviewed the list of guns recovered from the apartment and explained that the Walther P22 .22 caliber pistol, the Browning Buck Mark .22 caliber pistol, the Norinco Model 54 7.62mm caliber pistol, and the Springfield Armory Elite Operator .40 caliber pistol were commercially manufactured outside the State of Washington and, as a result, had travelled in interstate commerce in order to be possessed in Washington.

27. During a post-arrest statement, GERMAN HEREDIA-FELIX stated he has lived in the apartment 9022 for approximately three months. He stated that he lives alone

1 in the apartment, and that his “wife” (Elvia Gutierrez) and son come to stay at times. He
2 stated that the master bedroom is his room and that the drugs in the room belong to him.
3 Investigators asked how much drugs GERMAN HEREDIA-FELIX has in the apartment,
4 and he replied by referencing “what is in the bathroom” and the master bedroom closet.
5 He stated that the drugs consist of pills, “crystal,” cocaine, and a small amount of powder
6 fentanyl. Investigators showed GERMAN HEREDIA-FELIX several bags of suspected
7 methamphetamine that were located on the floor of the master bedroom closet.
8 GERMAN HEREDIA-FELIX identified the substance as “crystal.” He also
9 acknowledged that the blue and multi-colored pills located in the apartment were fentanyl
10 pills.

11 28. GERMAN HEREDIA-FELIX stated that he has been trafficking drugs for
12 approximately the last four months. He stated that he entered the U.S. to find legitimate
13 employment, but it became easier to earn money trafficking drugs. Investigators showed
14 GERMAN HEREDIA-FELIX multiple sealed evidence envelopes containing U.S.
15 currency seized from the apartment. GERMAN HEREDIA-FELIX stated that all of the
16 currency belongs to him. GERMAN HEREDIA-FELIX claimed ownership of all five
17 firearms found in the apartment.

18 29. During a post-arrest statement, FERNANDO MERCADO-CASTRO stated
19 that he has lived in apartment 9022 for approximately the last three months. He stated
20 that he has been sleeping in the living room because the beds in the second bedroom are
21 very small. FERNANDO MERCADO-CASTRO stated that he came to the U.S. from
22 Mexico seeking employment. He admitted that while he is looking for a legitimate job, he
23 has been helping GERMAN HEREDIA-FELIX traffic drugs. FERNANDO MERCADO-
24 CASTRO stated that his role is to stay in the apartment. He described his role as not to
25 guard the drugs, but to just “be present” in the apartment. He also admitted that he
26 delivers drugs to drug buyers. He estimated that he makes approximately three drug
27 deliveries each day. FERNANDO MERCADO-CASTRO stated that the drugs in the
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1 apartment belong to other people, but that he and GERMAN HEREDIA-FELIX receive
2 it, hold it and distribute it.

3 30. Additionally, while executing the search warrant at 1401 Merrill Creek
4 Parkway, Apartment 9022, investigators observed a Chevrolet Impala, bearing
5 Washington license plate CGF7123, parked in the parking lot. Investigators know that the
6 Impala is associated with FERNANDO MERCADO-CASTRO. On the same date, the
7 Honorable Judge Elizabeth Yost Neidzwski of the Superior Court of the State of
8 Washington, Skagit County, authorized a search warrant for the Impala. During a search
9 of the Impala, investigators located a blue stuffed animal on the front passenger seat.
10 Inside the stuffed animal investigators found a clear plastic bag of blue pills stamped "M"
11 and "30" and plastic bag containing white powder (suspected fentanyl). Investigators also
12 located a loaded Smith and Wesson SD9 9mm pistol under the front passenger seat.

13 31. When asked about the Impala during his post-arrest statement,
14 FERNANDO MERCADO-CASTRO stated that he owns the Impala and that he bought it
15 from an acquaintance about three months ago. When asked about the packages of drugs
16 inside the stuffed animal, MERCADO-CASTRO stated that he was going to deliver the
17 drugs to a customer in a future transaction. By the time investigators located the firearm
18 in the Impala, FERNANDO MERCADO-CASTRO had already been removed from the
19 scene, so he was not questioned regarding the firearm.

20 CONCLUSION


21 32. Based on the above facts, I respectfully submit that there is probable cause
22 to believe that GERMAN HEREDIA-FELIX and FERNANDO MERCADO-CASTRO
23 committed the drug and firearm offenses described above.

24 DATED this 19th day of May, 2023.



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27 Jared Gibb, Complainant
28 DEA Special Agent

1 Based on the Complaint and Affidavit sworn to me
2 telephonically, the Court hereby finds that there is probable cause to believe the Defendants
3 committed the offenses set forth in the Complaint.
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S. KATE VAUGHAN
United States Magistrate Judge